

Form NTCDSMSUM (10/09)

United States Bankruptcy Court
Western District of Michigan
 One Division Ave., N.
 Room 200
 Grand Rapids, MI 49503

IN RE: Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

Kathleen M. Ries

Debtor

David Galloway

Plaintiff

Kathleen M. Ries

Defendant

Case Number 09-10374-swd

Adv Case Number 09-80509-swd

Chapter 7

Honorable Scott W. Dales

NOTICE OF INTENTION TO DISMISS AND CLOSE ADVERSARY PROCEEDING FOR FAILURE TO PROPERLY SERVE SUMMONS

NOTICE IS HEREBY GIVEN THAT the above-named adversary proceeding was filed November 9, 2009 , and is currently pending before this Court. A summons was issued on November 10, 2009 , and returned to the Plaintiff's Attorney (or Plaintiff if pro se), for appropriate service. A review of the Court file indicates that the summons was not properly served.

Please be advised that if proper service of the summons and complaint is not made upon the Defendant(s) within 120 days after the filing of the complaint, the Court upon this notice to the Plaintiff shall forthwith dismiss this action without prejudice to the Defendant(s). However, if the Plaintiff can demonstrate good cause for the failure to properly serve the summons, the Court will extend the time for service for an appropriate period. Federal Rules of Bankruptcy Procedure 7004(a); Federal Rules of Civil Procedure 4(m).



DANIEL M. LAVILLE
 CLERK OF BANKRUPTCY COURT

Dated: January 4, 2010

/S/ _____
 M. Cox
 Deputy Clerk

ORDER OF DISMISSAL FOR FAILURE TO PROPERLY SERVE SUMMONS

The above notice was sent to all parties in interest in this case for dismissal for failure to properly serve the summons. Twenty-five (25) days or more have elapsed, the Court has not received proof of service upon the Defendants, and over 120 days have elapsed since the filing of the complaint.

IT IS HEREBY ORDERED that this case is dismissed and may be closed.

Dated:

 Honorable Scott W. Dales
 United States Bankruptcy Judge